

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Andhra Pradesh State Judicial Service – Senior Civil Judges – Sri K.Basava Raju, formerly Senior civil Judge, Narsapur, then Principal Senior Civil Judge, Visakhapatnam, now dismissed from service – Officer preferred CrI.A.No.979 of 2002 on the file of High Court of A.P. – Criminal Appeal allowed setting aside the conviction and sentence passed against him in S.C.No.228/2001 on the file of III Additional Sessions Judge, Visakhapatnam – Reinstatement of the officer as Senior Civil Judge – Orders – Issued

HOME (COURTS.C) DEPARTMENT

G.O.Ms.No.158

Dated:01-10-2008

Read the following:-

- 1.G.O.Ms.No.41, Law (LA & J Home Courts.C1)Department, dt.22.2.2003.
2. From the Registrar (Vigilance), Andhra Pradesh High Court, Hyderabad., D.O.Lr.No.513/ 1996 – Vigilance Cell, dt.4.7.2008.

ORDER:-

The Registrar (Vigilance) High Court of Andhra Pradesh, in his letter 2nd read above, has informed that Sri K.Basava Raju, formerly Senior Civil Judge, Narsapur, then Principal Senior Civil Judge, Visakhapatnam was involved in Disciplinary Proceedings for his conduct as Senior civil Judge, Visakhapatnam, and he was placed under suspension with effect from 23.7.1996 pending criminal charges against him.

2. The Registrar (Vigilance) High Court of Andhra Pradesh has stated that charge sheet was filed against the officer in Crime No.138 of 1996 before the V Metropolitan Magistrate, Visakhapatnam and the same was registered as P.R.C.No.15 of 1998 under Section 376 (b) and 417 IPC. Thereafter, the said case was committed to session's division court and was numbered as S.C.No.228/2001 and made over to III Additional Sessions Judge, Visakhapatnam. The III Additional Sessions Judge, Visakhapatnam, through his order dt.23.8.2002, convicted the accused officer and sentenced him to undergo a simple imprisonment for a period of three years and pay a fine of Rs.1,000/-, in default, simple imprisonment for one month for the offence punishable under Section 376 IPC. The court also sentenced the accused to undergo simple imprisonment for a period of one year and also to pay a fine of Rs.1000/-, in default, to suffer simple imprisonment for one month for the offence punishable under Section 417 IPC.

3. The High Court on considering the Judgement, conviction and sentence passed against the officer in S.C.No.228/2001, sent a recommendation to the Government and recommending dismissal of the officer. The Government have issued orders vide G.O.Ms.No.41, Law (LA & J Home Courts.C1) Department, dt.22.2.2003, dismissing the officer from service. The said orders were communicated to the officer. The accused Officer preferred Criminal Appeal No.979 of 2002 on the file of High Court of Andhra Pradesh under Section 389 (1) of Cr.P.C., against the Judgement of Lower Court in S.C.No.228/2001.

4. The said C.A. came up for hearing before the High Court on 14.3.2008 and the High Court made the following:-

“the criminal appeal is allowed setting aside the conviction and sentence of the appellant/accused for the offences under Sections 417 and 376 IPC passed in Sessions Case No.228 of 2001 on the file of III Additional Sessions Judge, Visakhapatnam, dt.23.8.2002, and he is acquitted of the same.”

5. The Andhra Pradesh High Court upon considering the judgement of Hon'ble High Court and requested the Government to reinstate the officer into service, without prejudice to right to take appropriate departmental action against the Officer by the High Court.

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6. Under the circumstances reported by the Registrar (Vigilance), High Court of Andhra Pradesh, and also above orders of the Hon'ble High Court of A.P. in C.A.No. 979 of 2002 on the Judgment dt.14.3.2008, Government after careful consideration of the matter hereby reinstate the individual without prejudice to right, to take appropriate departmental action against the officer by the High Court.

7. Copy of this Order is available on Internet and can be accessed at address <http://www.ap.gov.in/goir>.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

T.MADAN MOHAN REDDY,
SECRETARY TO GOVERNMENT,
LEGISLATIVE AFFAIRS & JUSTICE.

To
The Registrar (Vigilance) Andhra Pradesh High Court
The Officer concerned through the Registrar (Vigilance)
Andhra Pradesh High Court
The Pay & Accounts Officer , Hyderabad.
The Accountant General of Andhra Pradesh, Hyderabad.
The P.S. to Prl.Secy. to C.M.
The P.S. to Minister (L&C)
The P.S. to Secy (LA&J)

// FORWARDED :: BY ORDER //

SECTION OFFICER.